



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR QUALITY PROGRAM**

STATE ONLY NATURAL MINOR OPERATING PERMIT

Issue Date:	March 23, 2023	Effective Date:	August 8, 2023
Revision Date:	August 8, 2023	Expiration Date:	March 23, 2028
Revision Type:	Modification		

In accordance with the provisions of the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, as amended, and 25 Pa. Code Chapter 127, the Owner, [and Operator if noted] (hereinafter referred to as permittee) identified below is authorized by the Department of Environmental Protection (Department) to operate the air emission source(s) more fully described in this permit. This Facility is subject to all terms and conditions specified in this permit. Nothing in this permit relieves the permittee from its obligations to comply with all applicable Federal, State and Local laws and regulations.

The regulatory or statutory authority for each permit condition is set forth in brackets. All terms and conditions in this permit are federally enforceable unless otherwise designated.

State Only Permit No: 30-00816

Natural Minor

Federal Tax Id - Plant Code: 81-2059993

Owner Information

Name: PERENNIAL CMM PENNSYLVANIA LLC
Mailing Address: 1375 COUNTY ROAD 8690
WEST PLAINS, MO 65775-4624

Plant Information

Plant: PERENNIAL CMM PENNSYLVANIA LLC/CUMBERLAND 10
Location: 30 Greene County 30925 Wayne Township
SIC Code:

Responsible Official

Name: SCOTT CRESSMAN
Title: PRESIDENT/COO
Phone: (417) 256 - 2002 Email: scressman@perennialenergy.com

Permit Contact Person

Name: MARK KUTTER
Title: PROJECT MANAGER
Phone: (417) 505 - 7187 Email: mkutter@perennialenergy.com

[Signature] _____

MARK R. GOROG, P.E., ENVIRONMENTAL PROGRAM MANAGER, SOUTHWEST REGION



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Source ID	Source Name	Capacity/Throughput	Fuel/Material
101	CUMBERLAND 10 ENCLOSED FLARE	18.800 MMBTU/HR	
		18.504 MMCF/HR	MINE METHANE FLARING
Z101	PERENNIAL ENCLOSED FLARE STACK		

PERMIT MAPSPROC
101STAC
Z101

**SECTION B. General State Only Requirements****#001 [25 Pa. Code § 121.1]****Definitions.**

Words and terms that are not otherwise defined in this permit shall have the meanings set forth in Section 3 of the Air Pollution Control Act (35 P.S. § 4003) and in 25 Pa. Code § 121.1.

#002 [25 Pa. Code § 127.446]**Operating Permit Duration.**

(a) This operating permit is issued for a fixed term of five (5) years and shall expire on the date specified on Page 1 of this permit.

(b) The terms and conditions of the expired permit shall automatically continue pending issuance of a new operating permit, provided the permittee has submitted a timely and complete application and paid applicable fees required under 25 Pa. Code Chapter 127, Subchapter I and the Department is unable, through no fault of the permittee, to issue or deny a new permit before the expiration of the previous permit.

#003 [25 Pa. Code §§ 127.412, 127.413, 127.414, 127.446 & 127.703(b)]**Permit Renewal.**

(a) The permittee shall submit a timely and complete application for renewal of the operating permit to the appropriate Regional Air Program Manager. The application for renewal of the operating permit shall be submitted at least six (6) months and not more than 18 months before the expiration date of this permit.

(b) The application for permit renewal shall include the current permit number, a description of any permit revisions that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term. An application is complete if it contains sufficient information to begin processing the application, has the applicable sections completed and has been signed by a responsible official.

(c) The permittee shall submit with the renewal application a fee for the processing of the application as specified in 25 Pa. Code § 127.703(b). The fees shall be made payable to "The Commonwealth of Pennsylvania Clean Air Fund" and submitted with the fee form to the respective regional office.

(d) The renewal application shall also include submission of proof that the local municipality and county, in which the facility is located, have been notified in accordance with 25 Pa. Code § 127.413.

(e) The application for renewal of the operating permit shall also include submission of supplemental compliance review forms in accordance with the requirements of 25 Pa. Code § 127.412(b) and § 127.412(j).

(f) The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information as necessary to address any requirements that become applicable to the source after the permittee submits a complete application, but prior to the date the Department takes action on the permit application.

#004 [25 Pa. Code § 127.703]**Operating Permit Fees under Subchapter I.**

(a) The permittee shall pay the annual operating permit maintenance fee according to the following fee schedule in either paragraph (1) or (2) in accordance with 25 Pa. Code § 127.703(d) on or before December 31 of each year for the next calendar year.

(1) For a synthetic minor facility, a fee equal to:

(i) Four thousand dollars (\$4,000) for calendar years 2021—2025.

(ii) Five thousand dollars (\$5,000) for calendar years 2026—2030.

(iii) Six thousand three hundred dollars (\$6,300) for the calendar years beginning with 2031.

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(2) For a facility that is not a synthetic minor, a fee equal to:

- (i) Two thousand dollars (\$2,000) for calendar years 2021—2025.
- (ii) Two thousand five hundred dollars (\$2,500) for calendar years 2026—2030.
- (iii) Three thousand one hundred dollars (\$3,100) for the calendar years beginning with 2031.

(b) The applicable fees shall be made payable to "The Commonwealth of Pennsylvania Clean Air Fund" with the permit number clearly indicated and submitted to the respective regional office.

#005 [25 Pa. Code §§ 127.450 (a)(4) and 127.464]**Transfer of Operating Permits.**

(a) This operating permit may not be transferred to another person, except in cases of transfer-of-ownership that are documented and approved by the Department.

(b) In accordance with 25 Pa. Code § 127.450(a)(4), a change in ownership of the source shall be treated as an administrative amendment if the Department determines that no other change in the permit is required and a written agreement has been submitted to the Department identifying the specific date of the transfer of permit responsibility, coverage and liability between the current and the new permittee and a compliance review form has been submitted to, and the permit transfer has been approved by, the Department.

(c) This operating permit is valid only for those specific sources and the specific source locations described in this permit.

#006 [25 Pa. Code § 127.441 and 35 P.S. § 4008]**Inspection and Entry.**

(a) Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Department or authorized representatives of the Department to perform the following:

(1) Enter at reasonable times upon the permittee's premises where a source is located or emissions related activity is conducted, or where records are kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;

(3) Inspect at reasonable times, any facilities, equipment including monitoring and air pollution control equipment, practices, or operations regulated or required under this permit;

(4) Sample or monitor, at reasonable times, any substances or parameters, for the purpose of assuring compliance with the permit or applicable requirements as authorized by the Clean Air Act, the Air Pollution Control Act, or the regulations promulgated under the Acts.

(b) Pursuant to 35 P.S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the Air Pollution Control Act or regulations adopted thereunder including denying the Department access to a source at this facility. Refusal of entry or access may constitute grounds for permit revocation and assessment of criminal and/or civil penalties.

(c) Nothing in this permit condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with Section 114 or other applicable provisions of the Clean Air Act.

#007 [25 Pa. Code §§ 127.441 & 127.444]**Compliance Requirements.**

(a) The permittee shall comply with the conditions of this operating permit. Noncompliance with this permit constitutes a violation of the Clean Air Act and the Air Pollution Control Act and is grounds for one or more of the following:

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- (1) Enforcement action
- (2) Permit termination, revocation and reissuance or modification
- (3) Denial of a permit renewal application

(b) A person may not cause or permit the operation of a source which is subject to 25 Pa. Code Article III unless the source(s) and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued for the source is operated and maintained in accordance with specifications in the applications and the conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to 25 Pa. Code Chapter 127 in a manner inconsistent with good operating practices.

(c) For purposes of Sub-condition (b) of this permit condition, the specifications in applications for plan approvals and operating permits are the physical configurations and engineering design details which the Department determines are essential for the permittee's compliance with the applicable requirements in this State-Only permit. Nothing in this sub-condition shall be construed to create an independent affirmative duty upon the permittee to obtain a predetermination from the Department for physical configuration or engineering design detail changes made by the permittee.

#008 [25 Pa. Code § 127.441]**Need to Halt or Reduce Activity Not a Defense.**

It shall not be a defense for the permittee in an enforcement action that it was necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

#009 [25 Pa. Code §§ 127.442(a) & 127.461]**Duty to Provide Information.**

(a) The permittee shall submit reports to the Department containing information the Department may prescribe relative to the operation and maintenance of each source at the facility.

(b) The permittee shall furnish to the Department, in writing, information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of records that the permittee is required to maintain in accordance with this permit.

#010 [25 Pa. Code § 127.461]**Revising an Operating Permit for Cause.**

This operating permit may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

- (1) The permittee constructs or operates the source subject to the operating permit so that it is in violation of the Air Pollution Control Act, the Clean Air Act, the regulations thereunder, a plan approval, a permit or in a manner that causes air pollution.
- (2) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.
- (3) The permittee has failed to submit a report required by the operating permit or an applicable regulation.
- (4) The EPA determines that the permit is not in compliance with the Clean Air Act or the regulations thereunder.

#011 [25 Pa. Code §§ 127.450, 127.462, 127.465 & 127.703]**Operating Permit Modifications**

(a) The permittee is authorized to make administrative amendments, minor operating permit modifications and significant operating permit modifications, under this permit, as outlined below:

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(b) Administrative Amendments. The permittee shall submit the application for administrative operating permit amendments (as defined in 25 Pa. Code § 127.450(a)), according to procedures specified in § 127.450 unless precluded by the Clean Air Act or its regulations.

(c) Minor Operating Permit Modifications. The permittee shall submit the application for minor operating permit modifications (as defined 25 Pa. Code § 121.1) in accordance with 25 Pa. Code § 127.462.

(d) Significant Operating Permit Modifications. The permittee shall submit the application for significant operating permit modifications in accordance with 25 Pa. Code § 127.465.

(e) The applicable fees shall be made payable to "The Commonwealth of Pennsylvania Clean Air Fund" with the permit number clearly indicated and submitted to the respective regional office.

#012 [25 Pa. Code § 127.441]**Severability Clause.**

The provisions of this permit are severable, and if any provision of this permit is determined by a court of competent jurisdiction to be invalid or unenforceable, such a determination will not affect the remaining provisions of this permit.

#013 [25 Pa. Code § 127.449]**De Minimis Emission Increases.**

(a) This permit authorizes de minimis emission increases in accordance with 25 Pa. Code § 127.449 so long as the permittee provides the Department with seven (7) days prior written notice before commencing any de minimis emissions increase. The written notice shall:

(1) Identify and describe the pollutants that will be emitted as a result of the de minimis emissions increase.

(2) Provide emission rates expressed in tons per year and in terms necessary to establish compliance consistent with any applicable requirement.

(b) The Department may disapprove or condition de minimis emission increases at any time.

(c) Except as provided below in (d), the permittee is authorized to make de minimis emission increases (expressed in tons per year) up to the following amounts without the need for a plan approval or prior issuance of a permit modification:

(1) Four tons of carbon monoxide from a single source during the term of the permit and 20 tons of carbon monoxide at the facility during the term of the permit.

(2) One ton of NO_x from a single source during the term of the permit and 5 tons of NO_x at the facility during the term of the permit.

(3) One and six-tenths tons of the oxides of sulfur from a single source during the term of the permit and 8.0 tons of oxides of sulfur at the facility during the term of the permit.

(4) Six-tenths of a ton of PM₁₀ from a single source during the term of the permit and 3.0 tons of PM₁₀ at the facility during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder or 25 Pa. Code Article III.

(5) One ton of VOCs from a single source during the term of the permit and 5.0 tons of VOCs at the facility during the term of the permit. This shall include emissions of a pollutant regulated under Section 112 of the Clean Air Act unless precluded by the Clean Air Act, the regulations thereunder or 25 Pa. Code Article III.

(6) Other sources and classes of sources determined to be of minor significance by the Department.

(d) In accordance with § 127.14, the permittee is authorized to install the following minor sources without the need for a plan approval or permit modification:

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- (1) Air conditioning or ventilation systems not designed to remove pollutants generated or released from other sources.
 - (2) Combustion units rated at 2,500,000 or less Btu per hour of heat input.
 - (3) Combustion units with a rated capacity of less than 10,000,000 Btu per hour heat input fueled by natural gas supplied by a public utility or by commercial fuel oils which are No. 2 or lighter, viscosity less than or equal to 5.82 c St, and which meet the sulfur content requirements of 25 Pa. Code §123.22 (relating to combustion units). For purposes of this permit, commercial fuel oil shall be virgin oil which has no reprocessed, recycled or waste material added.
 - (4) Space heaters which heat by direct heat transfer.
 - (5) Laboratory equipment used exclusively for chemical or physical analysis.
 - (6) Other sources and classes of sources determined to be of minor significance by the Department.
- (e) This permit does not authorize de minimis emission increases if the emissions increase would cause one or more of the following:
- (1) Increase the emissions of a pollutant regulated under Section 112 of the Clean Air Act except as authorized in Subparagraphs (c)(4) and (5) of this permit condition.
 - (2) Subject the facility to the prevention of significant deterioration requirements in 25 Pa. Code Chapter 127, Subchapter D and/or the new source review requirements in Subchapter E.
 - (3) Violate any applicable requirement of this permit, the Air Pollution Control Act, the Clean Air Act, or the regulations promulgated under either of the acts.
- (f) Emissions authorized under this permit condition shall be included in the monitoring, recordkeeping and reporting requirements of this permit.
- (g) Except for de minimis emission increases, installation of minor sources made pursuant to this permit condition and Plan Approval Exemptions under 25 Pa. Code § 127.14 (relating to exemptions), the permittee is prohibited from making changes or engaging in activities that are not specifically authorized under this permit without first applying for a plan approval. In accordance with § 127.14(b), a plan approval is not required for the construction, modification, reactivation, or installation of the sources creating the de minimis emissions increase.
- (h) The permittee may not meet de minimis emission threshold levels by offsetting emission increases or decreases at the same source.

#014 [25 Pa. Code § 127.3]**Operational Flexibility.**

The permittee is authorized to make changes within the facility in accordance with the regulatory provisions outlined in 25 Pa. Code § 127.3 (relating to operational flexibility) to implement the operational flexibility requirements provisions authorized under Section 6.1(i) of the Air Pollution Control Act and the operational flexibility terms and conditions of this permit. The provisions in 25 Pa. Code Chapter 127 which implement the operational flexibility requirements include the following:

- (1) Section 127.14 (relating to exemptions)
- (2) Section 127.447 (relating to alternative operating scenarios)
- (3) Section 127.448 (relating to emissions trading at facilities with Federally enforceable emissions caps)
- (4) Section 127.449 (relating to de minimis emission increases)
- (5) Section 127.450 (relating to administrative operating permit amendments)

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(6) Section 127.462 (relating to minor operating permit modifications)

(7) Subchapter H (relating to general plan approvals and general operating permits)

#015 [25 Pa. Code § 127.11]**Reactivation**

(a) The permittee may not reactivate a source that has been out of operation or production for at least one year unless the reactivation is conducted in accordance with a plan approval granted by the Department or in accordance with reactivation and maintenance plans developed and approved by the Department in accordance with 25 Pa. Code § 127.11a(a).

(b) A source which has been out of operation or production for more than five (5) years but less than 10 years may be reactivated and will not be considered a new source if the permittee satisfies the conditions specified in 25 Pa. Code § 127.11a(b).

#016 [25 Pa. Code § 127.36]**Health Risk-based Emission Standards and Operating Practice Requirements.**

(a) When needed to protect public health, welfare and the environment from emissions of hazardous air pollutants from new and existing sources, the permittee shall comply with the health risk-based emission standards or operating practice requirements imposed by the Department, except as precluded by §§ 6.6(d)(2) and (3) of the Air Pollution Control Act [35 P.S. § 4006.6(d)(2) and (3)].

(b) A person challenging a performance or emission standard established by the Department has the burden to demonstrate that performance or emission standard does not meet the requirements of Section 112 of the Clean Air Act.

#017 [25 Pa. Code § 121.9]**Circumvention.**

No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of 25 Pa. Code Article III, except that with prior approval of the Department, the device or technique may be used for control of malodors.

#018 [25 Pa. Code §§ 127.402(d) & 127.442]**Reporting Requirements.**

(a) The permittee shall comply with the applicable reporting requirements of the Clean Air Act, the regulations thereunder, the Air Pollution Control Act and 25 Pa. Code Article III including Chapters 127, 135 and 139.

(b) The permittee shall submit reports to the Department containing information the Department may prescribe relative to the operation and maintenance of any air contamination source.

(c) Reports, test data, monitoring data, notifications and requests for renewal of the permit shall be submitted to the:

Regional Air Program Manager
PA Department of Environmental Protection
(At the address given in the permit transmittal letter, or otherwise notified)

(d) Any records or information including applications, forms, or reports submitted pursuant to this permit condition shall contain a certification by a responsible official as to truth, accuracy and completeness. The certifications submitted under this permit shall require a responsible official of the facility to certify that based on information and belief formed after reasonable inquiry, the statements and information in the documents are true, accurate and complete.

(e) Any records, reports or information submitted to the Department shall be available to the public except for such

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records, reports or information which meet the confidentiality requirements of § 4013.2 of the Air Pollution Control Act and §§ 112(d) and 114(c) of the Clean Air Act. The permittee may not request a claim of confidentiality for any emissions data generated for the facility.

#019 [25 Pa. Code §§ 127.441(c) & 135.5]**Sampling, Testing and Monitoring Procedures.**

(a) The permittee shall comply with the monitoring, recordkeeping or reporting requirements of 25 Pa. Code Chapter 139 and the other applicable requirements of 25 Pa. Code Article III and additional requirements related to monitoring, reporting and recordkeeping required by the Clean Air Act and the regulations thereunder including the Compliance Assurance Monitoring requirements of 40 CFR Part 64, where applicable.

(b) Unless alternative methodology is required by the Clean Air Act and regulations adopted thereunder, sampling, testing and monitoring required by or used by the permittee to demonstrate compliance with any applicable regulation or permit condition shall be conducted in accordance with the requirements of 25 Pa. Code Chapter 139.

#020 [25 Pa. Code §§ 127.441(c) and 135.5]**Recordkeeping.**

(a) The permittee shall maintain and make available, upon request by the Department, the following records of monitored information:

- (1) The date, place (as defined in the permit) and time of sampling or measurements.
- (2) The dates the analyses were performed.
- (3) The company or entity that performed the analyses.
- (4) The analytical techniques or methods used.
- (5) The results of the analyses.
- (6) The operating conditions as existing at the time of sampling or measurement.

(b) The permittee shall retain records of any required monitoring data and supporting information for at least five (5) years from the date of the monitoring, sample, measurement, report or application. Supporting information includes the calibration data and maintenance records and original strip-chart recordings for continuous monitoring instrumentation, and copies of reports required by the permit.

(c) The permittee shall maintain and make available to the Department upon request, records including computerized records that may be necessary to comply with the reporting, recordkeeping and emission statement requirements in 25 Pa. Code Chapter 135 (relating to reporting of sources). In accordance with 25 Pa. Code Chapter 135, § 135.5, such records may include records of production, fuel usage, maintenance of production or pollution control equipment or other information determined by the Department to be necessary for identification and quantification of potential and actual air contaminant emissions.

#021 [25 Pa. Code § 127.441(a)]**Property Rights.**

This permit does not convey any property rights of any sort, or any exclusive privileges.

#022 [25 Pa. Code § 127.447]**Alternative Operating Scenarios.**

The permittee is authorized to make changes at the facility to implement alternative operating scenarios identified in this permit in accordance with 25 Pa. Code § 127.447.

**SECTION B. General State Only Requirements****#023 [25 Pa. Code §135.3]****Reporting**

(a) If the facility is a Synthetic Minor Facility, the permittee shall submit by March 1 of each year an annual emissions report for the preceding calendar year. The report shall include information for all active previously reported sources, new sources which were first operated during the preceding calendar year, and sources modified during the same period which were not previously reported. All air emissions from the facility should be estimated and reported.

(b) A source owner or operator of a Synthetic Minor Facility may request an extension of time from the Department for the filing of an annual emissions report, and the Department may grant the extension for reasonable cause.

#024 [25 Pa. Code §135.4]**Report Format**

If applicable, the emissions reports shall contain sufficient information to enable the Department to complete its emission inventory. Emissions reports shall be made by the source owner or operator in a format specified by the Department.

**SECTION C. Site Level Requirements****I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §121.7]****Prohibition of air pollution.**

No person may permit air pollution as that term is defined in the act.

002 [25 Pa. Code §123.1]**Prohibition of certain fugitive emissions**

(a) No person may permit the emission into the outdoor atmosphere of fugitive air contaminant from a source other than the following:

- (1) Construction or demolition of buildings or structures.
- (2) Grading, paving and maintenance of roads and streets.
- (3) Use of roads and streets. Emissions from material in or on trucks, railroad cars and other vehicular equipment are not considered as emissions from use of roads and streets.
- (4) Clearing of land.
- (5) Stockpiling of materials.
- (6) Open burning operations.

(7) - (8) Not applicable.

(9) Sources and classes of sources other than those identified in paragraphs (1)-(8), for which the operator has obtained a determination from the Department that fugitive emissions from the source, after appropriate control, meet the following requirements:

- (i) the emissions are of minor significance with respect to causing air pollution; and
- (ii) the emissions are not preventing or interfering with the attainment or maintenance of any ambient air quality standard.

(b) An application form for requesting a determination under either subsection (a)(9) or 129.15(c) is available from the Department. In reviewing these applications, the Department may require the applicant to supply information including, but not limited to, a description of proposed control measures, characteristics of emissions, quantity of emissions, and ambient air quality data and analysis showing the impact of the source on ambient air quality. The applicant shall be required to demonstrate that the requirements of subsections (a)(9) and (c) and 123.2 (relating to fugitive particulate matter) or of the requirements of 129.15(c) have been satisfied. Upon such demonstration, the Department will issue a determination, in writing, either as an operating permit condition, for those sources subject to permit requirements under the act, or as an order containing appropriate conditions and limitations.

(c) [See Work Practice Standards.]

(d) Not applicable.

003 [25 Pa. Code §123.2]**Fugitive particulate matter**

A person may not permit fugitive particulate matter to be emitted into the outdoor atmosphere from a source specified in §123.1(a)(1) -- (9) (relating to prohibition of certain fugitive emissions) if such emissions are visible at the point the emissions pass outside the person's property.

004 [25 Pa. Code §123.31]**Limitations**

(a) Not applicable.

(b) A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

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(c) Not applicable.

005 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The facility shall not exceed the following emission rates on a 12-month rolling basis:

- 6.59 TPY NO_x;
- 19.52 TPY CO;
- 2.70 TPY total VOCs;
- 1.00 TPY of all HAPs combined; and
- 0.50 TPY of any individual HAP.

006 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission equals or exceeds 10% at any time.

007 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The facility shall be operated in such a manner that NO_x emissions are less than 100 lbs/hr, 1,000 lbs/day, 2.75 tons per ozone season, and 6.6 tons per year on a 12-month rolling basis.

008 [25 Pa. Code §129.14]**Open burning operations**

(a) Not applicable.

(b) Outside of air basins. No person may permit the open burning of material in an area outside of air basins in a manner that:

(1) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted.

(2) Malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted.

(3) The emissions interfere with the reasonable enjoyment of life or property.

(4) The emissions cause damage to vegetation or property.

(5) The emissions are or may be deleterious to human or animal health.

(c) Exceptions: The requirements of subsections (a) and (b) do not apply where the open burning operations result from:

(1) A fire set to prevent or abate a fire hazard, when approved by the Department and set by or under the supervision of a public officer.

(2) A fire set for the purpose of instructing personnel in fire fighting, when approved by the Department.

(3) A fire set for the prevention and control of disease or pests, when approved by the Department.

(4) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.



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(5) A fire set for the purpose of burning domestic refuse, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less and when the refuse results from the normal occupancy of such structure.

(6) A fire set solely for recreational or ceremonial purposes.

(7) A fire set solely for cooking food.

(d) Clearing and grubbing wastes. The following is applicable to clearing and grubbing wastes:

(1) As used in this subsection the following terms shall have the following meanings:

Air curtain destructor -- A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

Clearing and grubbing wastes -- Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

(2) Subsection (a) notwithstanding, clearing and grubbing wastes may be burned in a basin subject to the following requirements:

(i) Air curtain destructors shall be used when burning clearing and grubbing wastes.

(ii) Each proposed use of air curtain destructors shall be reviewed and approved by the Department in writing with respect to equipment arrangement, design and existing environmental conditions prior to commencement of burning. Proposals approved under this subparagraph need not obtain plan approval or operating permits under Chapter 127 (relating to construction modification, reactivation and operation of sources).

(iii) Approval for use of an air curtain destructor at one site may be granted for a specified period not to exceed 3 months, but may be extended for additional limited periods upon further approval by the Department.

(iv) The Department reserves the right to rescind approval granted if a determination by the Department indicates that an air pollution problem exists.

(3) Subsection (b) notwithstanding clearing and grubbing wastes may be burned outside of an air basin, subject to the following limitations:

(i) Upon receipt of a complaint or determination by the Department that an air pollution problem exists, the Department may order that the open burning cease or comply with subsection (b) of this section.

(ii) Authorization for open burning under this paragraph does not apply to clearing and grubbing wastes transported from an air basin for disposal outside of an air basin.

(4) During an air pollution episode, open burning is limited by Chapter 137 (relating to air pollution episodes) and shall cease as specified in such chapter.

II. TESTING REQUIREMENTS.

009 [25 Pa. Code §127.441]

Operating permit terms and conditions.

If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this State-Only Operating Permit may be in excess of the limitations specified in, or established pursuant to this State-Only Operating Permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate.

**SECTION C. Site Level Requirements**

If performance testing is required, the Owner/Operator shall submit a pre-test protocol to the Department for review at least 90 days prior to the performance of any EPA reference method stack test. The test report may be submitted via PSIMS*Online at <https://www.depgreenport.state.pa.us/ecommm/Login.jsp>. All proposed performance test methods shall be identified in the pre-test protocol and approved by the Department prior to testing.

The Department Source Testing Manual is available at this web address:
<http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4563>]

- (a) At least 90 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval in accordance with paragraph (8) of this condition. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.
- (b) If testing of a source is required on a recurring basis, a single procedural protocol may be submitted for approval; thereafter, a letter, submitted at least 90 calendar days prior to commencing an emissions testing program, referencing the previously approved procedural protocol is sufficient if the letter is approved by the Department. The letter shall be submitted as required in paragraph (a). If modifications are made to the process(es), if a different stack testing company is used, or if an applicable section of the stack test manual has been revised since the approval, a new protocol shall be submitted for approval.
- (c) At least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the Department in accordance with paragraph (h) of this condition. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.
- (d) If the proposed testing did not occur per the required notification in paragraph (b) above, an electronic mail notification shall be sent within 15 calendar days after the expected completion date of the onsite testing to the Department, in accordance with paragraph (h) of this condition, indicating why the proposed completion date of the on-site testing was not adhered to.
- (e) A complete test report shall be submitted to the Department no later than 60 calendar days after completion of the onsite testing portion of an emission test program.
- (1) The test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or non-compliance with all applicable permit conditions.
- (2) The summary results will include, at a minimum, the following information:
- (A) A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.
- (B) Permit number(s) and condition(s) which are the basis for the evaluation.
- (C) Summary of results with respect to each applicable permit condition.
- (D) Statement of compliance or non-compliance with each applicable permit condition.
- (f) Pursuant to 25 Pa. Code §139.3, all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.
- (g) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.
- (h) Pursuant to 25 Pa. Code §139.53(a)(1) and §139.53(a)(3):
- (1) All submittals, except test notifications & portable emission monitor tests, shall be accomplished through PSIMS*Online, available through <https://www.depgreenport.state.pa.us/ecommm/Login.jsp>, if it is available.

**SECTION C. Site Level Requirements**

(2) For test notifications & portable analyzer results, or if internet submittal cannot be accomplished, one electronic copy of the test submission (notifications, protocols, reports, supplemental information, etc.) shall be sent to both PSIMS Administration in Central Office and to the Regional Office AQ Program Manager at the following addresses.

CENTRAL OFFICE:
RA-EPstacktesting@pa.gov

SOUTHWEST REGIONAL OFFICE:
RA-EPSWstacktesting@pa.gov

(i) The permittee shall ensure all federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method or rule shall be used by default.

(j) Actions Related to Noncompliance Demonstrated by a Stack Test:

(1) If the results of a stack test, performed as required by this approval, exceed the level specified in any condition of this approval, the Permittee shall take appropriate corrective actions. Within 30 days of the Permittee receiving the stack test results, a written description of the corrective actions shall be submitted to the Department. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the Permittee within 30 days, if the corrective actions taken are deficient. Within 30 days of receipt of the notice of deficiency, the Permittee shall submit a description of additional corrective actions to the Department. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

(2) If the results of the required stack test exceed any limit defined in this permit, the test was not performed in accordance with the stack test protocol or the source and/or air cleaning device was not operated in accordance with the permit, then another stack test shall be performed to determine compliance. Within 120 days of the Permittee receiving the original stack test results, a retest shall be performed. The Department may extend the retesting deadline if the Permittee demonstrates, to the Department's satisfaction, that retesting within 120 days is not practicable. Failure of the second test to demonstrate compliance with the limits in the permit, not performing the test in accordance with the stack test protocol or not operating the source and/or air cleaning device in accordance with the permit may be grounds for immediate revocation of the permit to operate the affected source.

III. MONITORING REQUIREMENTS.**# 010 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

A facility-wide inspection shall be conducted each day when the Facility is visited by the Owner/Operator and at a minimum frequency of no less than once per week. The facility-wide inspection shall be conducted for the presence of the following:

- a. Visible stack emissions;
- b. Fugitive emissions; and
- c. Potentially objectionable odors at the property line.

These observations are to ensure continued compliance with source-specific visible emission limitations, fugitive emissions prohibited under 25 Pa. Code §123.1 or §123.2, and potentially objectionable odors prohibited under 25 Pa. Code §123.31. Observations for visible stack emissions shall be conducted during daylight hours and all observations shall be conducted while sources are in operation. If visible stack emissions, fugitive emissions, or potentially objectionable odors are apparent, the Owner/Operator shall take corrective action.

011 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The permittee shall sample and conduct a fractional gas analysis at the inlet gas stream to the enclosed flares at a minimum of once per calendar year but no sooner than three (3) calendar months from the previous sample.

**SECTION C. Site Level Requirements**

The amounts of nitrogen, oxygen, VOC, HAP, methane concentrations, and the heat content of the inlet gas stream shall be determined by a full gas analysis using a chromatograph at an ISO 17025 accredited lab or a lab that has been certified by an accreditation body conformant with ISO 17025 to perform test methods appropriate for atmospheric gas content analysis.

IV. RECORDKEEPING REQUIREMENTS.**# 012 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

Records of each daily inspection for visible stack, fugitive, and potentially objectionable odors shall be maintained on site or at an alternative location acceptable to the Department for a minimum of five years and shall be made available to the Department upon request. These records shall include the date, time, name and title of the observer, whether the presence of visible stack, fugitive, or potentially objectionable odors were apparent, and any corrective actions taken.

013 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

Records of actual emissions from each air contamination source and air cleaning device at this facility with supporting calculations shall be maintained on a 12-month rolling basis and shall be made available to the Department upon request.

014 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The permittee shall maintain records of any maintenance conducted on each air contamination source and air cleaning device at this facility.

015 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

All required logs and records shall be maintained on site or at an alternative location acceptable to the Department for a minimum of five years and shall be made available to the Department upon request.

016 [25 Pa. Code §135.3]**Reporting**

(a) A person who owns or operates a source to which this chapter applies, and who has previously been advised by the Department to submit a source report, shall submit by March 1 of each year a source report for the preceding calendar year. The report shall include information for all previously reported sources, new sources which were first operated during the preceding calendar year and sources modified during the same period which were not previously reported.

(b) A person who receives initial notification by the Department that a source report is necessary shall submit an initial source report within 60 days after receiving the notification or by March 1 of the year following the year for which the report is required, whichever is later.

(c) A source owner or operator may request an extension of time from the Department for the filing of a source report, and the Department may grant the extension for reasonable cause.

017 [25 Pa. Code §135.5]**Recordkeeping**

Source owners or operators shall maintain and make available upon request by the Department records including computerized records that may be necessary to comply with §135.3 and §135.21 (relating to reporting; and emission statements). These may include records of production, fuel usage, maintenance of production or pollution control equipment or other information determined by the Department to be necessary for identification and quantification of potential and actual air contaminant emissions. If direct recordkeeping is not possible or practical, sufficient records shall be kept to provide the needed information by indirect means.

**SECTION C. Site Level Requirements****V. REPORTING REQUIREMENTS.****# 018 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

(a) The permittee shall report malfunctions, emergencies or incidents of excess emissions to the Department. A malfunction is any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. An emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator of a facility which requires immediate corrective action to restore normal operation and which causes the emission source to exceed emissions, due to unavoidable increases in emissions attributable to the situation. An emergency shall not include situations caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(b) When the malfunction, emergency or incident of excess emissions poses an imminent danger to the public health, safety, welfare, or environment, it shall be reported to the Department and the County Emergency Management Agency by telephone within one (1) hour after the discovery of the malfunction, emergency or incident of excess emissions. The owner or operator shall submit a written or emailed report of instances of such malfunctions, emergencies or incidents of excess emissions to the Department within three (3) business days of the telephone report.

(c) The report shall describe the following:

1. name, permit or authorization number, and location of the facility,
 2. nature and cause of the malfunction, emergency or incident,
 3. date and time when the malfunction, emergency or incident was first observed,
 4. expected duration of excess emissions,
 5. estimated rate of emissions,
 6. corrective actions or preventative measures taken.
7. The 12-month rolling sum of emissions (including, but not limited to, criteria pollutants, VOCs, benzene, methanol, formaldehyde, greenhouse gases, and total HAPs, as applicable), including any emission increases that occurred as a result of the malfunction event.

(d) Any malfunction, emergency or incident of excess emissions that is not subject to the notice requirements of paragraph (b) of this condition shall be reported to the Department by telephone within 24 hours (or by 4:00 PM of the next business day, whichever is later) of discovery and in writing or by e-mail within five (5) business days of discovery. The report shall contain the same information required by paragraph (c), and any permit specific malfunction reporting requirements.

(e) During an emergency an owner or operator may continue to operate the source at their discretion provided they submit justification for continued operation of a source during the emergency and follow all the notification and reporting requirements in accordance with paragraphs (b)-(d), as applicable, including any permit specific malfunction reporting requirements.

(f) Reports regarding malfunctions, emergencies or incidents of excess emissions shall be submitted to the appropriate DEP Regional Office Air Program Manager.

(g) Any emissions resulted from malfunction or emergency are to be reported in the annual emissions inventory report, if the annual emissions inventory report is required by permit or authorization.

VI. WORK PRACTICE REQUIREMENTS.**# 019 [25 Pa. Code §123.1]****Prohibition of certain fugitive emissions**

(c) A person responsible for any source specified in subsections (a)(1) -- (7) or (9) shall take all reasonable actions to prevent particulate matter from becoming airborne. These actions shall include, but not be limited to, the following:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of buildings or structures, construction operations, the grading of roads, or the clearing of land.
- (2) Application of asphalt, oil, water or suitable chemicals on dirt roads, material stockpiles and other surfaces which may give rise to airborne dusts.

**SECTION C. Site Level Requirements**

(3) Paving and maintenance of roadways.

(4) Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

020 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

All air contamination sources and air cleaning devices at this facility shall be operated and maintained in accordance with the manufacturer's specifications, the manufacturer's recommended maintenance schedule, and with good engineering practices.

VII. ADDITIONAL REQUIREMENTS.

No additional requirements exist except as provided in other sections of this permit including Section B (State Only General Requirements).

VIII. COMPLIANCE CERTIFICATION.

No additional compliance certifications exist except as provided in other sections of this permit including Section B (relating to State Only General Requirements).

IX. COMPLIANCE SCHEDULE.

No compliance milestones exist.

**SECTION D. Source Level Requirements**

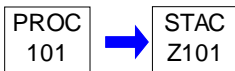
Source ID: 101

Source Name: CUMBERLAND 10 ENCLOSED FLARE

Source Capacity/Throughput: 18.800 MMBTU/HR

18.504 MMCF/HR

MINE METHANE FLARING

**I. RESTRICTIONS.****Emission Restriction(s).****# 001 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

Each flare shall operate at the minimum temperature required to achieve a 98% destruction efficiency of the coal mine methane gas and shall not operate at temperatures below 1,500 degrees Fahrenheit or above 2,000 degrees Fahrenheit except during periods of startup and shutdown.

002 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The Perennial enclosed flare shall be certified by the manufacturer to meet the following emission specifications:

- 0.080 lbs/MMBtu NO_x; and
- 0.237 lbs/MMBtu CO.

Throughput Restriction(s).**# 003 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The Perennial enclosed flare shall not exceed an 18.80 MMBtu/hr heat input.

II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (State Only General Requirements).

III. MONITORING REQUIREMENTS.**# 004 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The permittee shall continuously monitor the following parameters:

- The inlet gas flow rate to the flare;
- The temperature of the incoming gas stream;
- The heat content of the incoming gas stream;
- The methane concentration of the inlet gas stream to the flare;
- The operating temperature of the flare; and
- The operating hours of the flare on a 12-month rolling basis.

IV. RECORDKEEPING REQUIREMENTS.**# 005 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

**SECTION D. Source Level Requirements**

The permittee shall maintain the following accurate and comprehensive records:

- Continuous monitoring of the inlet gas flow rate to the flare;
- Continuous monitoring of the temperature of the incoming gas stream;
- The heat content of the incoming gas stream;
- Continuous monitoring of the inlet methane concentration of the gas to the flare;
- Continuous monitoring of the operating temperature of the flare;
- The emission calculations for the flare on a 12-month rolling basis in accordance with 25 Pa. Code §135.5.
- The operating hours of the flare on a 12-month rolling basis;
- The date(s) when the flare was authorized for use;
- The make, model, and serial number of the flare;
- The summary for each complete test report conducted, if applicable.
- A copy of the manufacturer's maintenance instructions or an alternative maintenance plan; and
- Records of calibration and maintenance of all meters or analyzers utilized for compliance.

These records shall be maintained on site or at an alternative location acceptable to the Department for a minimum of five years and shall be made available to the Department upon request.

006 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The permittee shall calculate and record the heat input to each flare (in MMBtu/hr) at a minimum of once per hour based on the continuously measured gas flow rate and the average gross heating value of the gas (in Btu/scf or equivalent) from the most recent gas analysis performed.

These records shall be maintained on site or at an alternative location acceptable to the Department for a minimum of five years and shall be made available to the Department upon request.

V. REPORTING REQUIREMENTS.

No additional reporting requirements exist except as provided in other sections of this permit including Section B (State Only General Requirements).

VI. WORK PRACTICE REQUIREMENTS.**# 007 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The Perennial enclosed flare shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

008 [25 Pa. Code §127.441]**Operating permit terms and conditions.**

The owner or operator shall equip the Perennial enclosed flare with the following measurement devices:

- A gas analyzer to determine the Btu content of the coal-mine gas.
- A flow meter to measure the total inlet coal-mine gas flow rate to the flare.
- A thermocouple or any other equivalent device to continuously monitor the flare operating temperature.

VII. ADDITIONAL REQUIREMENTS.**# 009 [25 Pa. Code §127.441]****Operating permit terms and conditions.**

The Perennial enclosed flare shall be programmed to shut down if the limits in this state-only operating permit are

**SECTION D. Source Level Requirements**

approached and not restarted until sufficient time has elapsed to meet the limits or a new approval from the Air Quality Program is obtained.



SECTION E. Source Group Restrictions.



SECTION F. Alternative Operation Requirements.

No Alternative Operations exist for this State Only facility.

**SECTION G. Emission Restriction Summary.**

No emission restrictions listed in this section of the permit.

**SECTION H. Miscellaneous.**

Perennial Energy CMM Pennsylvania, LLC is granted authorization to operate the following air contamination sources:

Source 101, one (1) 18.8 MMBtu/hr Perrenial Energy Enclosed Flare System.



***** End of Report *****
